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RUEHC/SECSTATE WASHDC 2637
INFO RUEHPT/AMCONSUL PERTH 5232
RUEHBN/AMCONSUL MELBOURNE 6965
RUEHDN/AMCONSUL SYDNEY 5244
RUEHGV/USMISSION GENEVA 0004
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UNCLAS SECTION 01 OF 02 CANBERRA 000099

SIPDIS

DOL/ILAB FOR LEYLA STROTKAMP, RACHEL RIGBY, AND TINA
MCCARTER
STATE FOR DRL/ILCSR SARAH MORGAN AND G/TIP LUIS CDEBACA

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [KTIP](#) [SOCI](#) [AS](#)

SUBJECT: AUSTRALIA: INFORMATION ON CHILD AND FORCED LABOR

REF: STATE 131995

[¶1.](#) (U) Summary: Reftel requested information on developments regarding child labor in Australia. On April 30, 2009, federal, state and territory governments endorsed a "National Framework for Protecting Australia's Children 2009-2020." There were no reports of forced child labor last year. Reftel also requested particular information on developments regarding child labor in Australia's overseas territories Norfolk Island, Christmas Island, Cocos Islands, Heard Island and MacDonald Islands. There has been no change over the past year regarding Australia's implementation of laws and regulations relating to child labor in these territories. End summary.

AUSTRALIA

[¶2.](#) (U) Australian law prohibits forced or compulsory labor, including by children. Minimum age school attendance requirements, imposed by all states and territories, effectively prevent children from joining the full-time work force full-time until they are 15, 16 or 17 years of age.

[¶3.](#) (U) Specific child employment laws provide further protections in some jurisdictions. In Queensland, parental consent is required to employ someone who is under age 16 and has not completed the tenth grade; a maximum of 12 hours may be worked during a school week. In Victoria and Western Australia, those under age 15 are restricted in the hours they can work and the duties they can perform; in Victoria parents are required to apply for permit. In the Australian Capital Territory, there is no minimum working age; however, departmental approval is required to work more than 10 hours a week in "light work" for those under age 15. In response to the previous federal government's WorkChoices laws, the New South Wales government in 2006 introduced laws requiring corporations covered by the federal system to provide pay and conditions at least equal with the relevant NSW industry standard or "award" to those under age 18.

[¶4.](#) (U) There is a minimum age for some specified occupations in awards. Under the current government's labor law changes, individual contracts can no longer be signed. Prior to this, workers under age 18 required parental consent to sign an individual contract. State laws impose occupational health and safety responsibilities on employers. The states, excluding Western Australia, agreed to be part of a national award system commencing January 1, 2010.

[¶5.](#) (U) Junior wage rates, included in "awards," pay a proportion of adult wages, typically for those under age 21.

This has occurred for over 100 years, on the basis that the needs of junior workers are less than adults. Employment of young people is prevalent in the hospitality, retail, and fast food sectors.

¶6. (U) Slavery (including sexual slavery), trafficking in children, forced prostitution, production of child pornography material, forced recruitment of children (under 15) for armed conflict, and other related activity are punishable under the Commonwealth Criminal Code Act 1995.

¶7. (U) Underage workers have been discovered in legal brothels. In September 2009, the Chief Coroner of the Australian Capital Territory announced there would be a full inquest into the death in a Canberra brothel of a tenth grade student, a 17 year old girl.

¶8. (U) Australia ratified on December 19, 2006 the ILO's Q8. (U) Australia ratified on December 19, 2006 the ILO's Worst Forms of Child Labor Convention 1999 (No. 182), and the UN Convention on the Rights of the Child on December 17, ¶1990. Australia has Memoranda of Understanding with the governments of the Philippines and Fiji for joint action to combat child sexual abuse and other serious crimes against children and young people .

NORFOLK ISLAND

¶9. (U) There is no minimum working age, but employment of children under the age of 15 years is subject to limitations under the Employment Act 1988 (Norfolk Island). Those under

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age 15 are not permitted to be employed more than 20 hours a week and may not be employed between 11 pm and 6:30 am or at any time when they are supposed to be in school. Minimum wage levels are scaled down for those age 15 and over, but under age 18. Employment of someone under age 18 requires parental consent and written agreement with strict conditions in relation to schooling, medical needs and withdrawal of labor upon notice. The Education Act requires school attendance up to age 15.

¶10. (U) Employment Inspectors and Child Welfare officers (the latter under the Child Welfare Act 1937) monitor and take action in regard to the protection of young workers.

¶11. (U) Slavery (including sexual slavery, trafficking in children, forced prostitution, production of child pornography material, forced recruitment of children (under 15) for armed conflict, and other related activity are punishable under the Criminal Code Act 1995 (Commonwealth) which applies to Norfolk Island. Under the Criminal Code Act 2007 (Norfolk Island) sexual servitude is an offense. The Immigration Act 1980 (Norfolk Island) contains penalties for giving false or misleading information, and entering the territory for illegal purposes.

¶12. (U) Under Regulation 7 of the Cadet Forces (equivalent to U.S. ROTC in secondary schools) Regulations 1977 (Commonwealth), the minimum age for Army and Navy Cadets is 12 years and 6 months while the minimum age for Air Force Cadets is 13 years.

¶13. (U) Given the small geographic and population size of the Norfolk Island, abuses in regard to child labor are expected to be quickly detected and reported for investigation and action.

¶14. (U) There have been no known cases or reports of child labor abuse or exploitation over the past year.

CHRISTMAS ISLAND AND COCOS ISLANDS

¶15. (U) Child labor laws in the state of Western Australia apply. The Children and Community Services Act 2004 and the School Education Act 1999, in effect, prohibit child labor. The federal Fair Work Act 2009 covers these territories.

HEARD ISLAND AND MACDONALD ISLANDS

¶16. (U) These islands are part of a marine reserve approximately 4000 kilometers southwest of Western Australia and 1000 kilometers north of Antarctica. They have no resident populations.

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